

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO.**\_\_\_\_\_

**v.**

**DORIAN BAKER**  
**JAMES HARLEY**  
**CAPRICE PEAY**

**DATE FILED:** \_\_\_\_\_

**VIOLATIONS:**

**18 U.S.C. § 1343 (wire fraud - 1 count)**

**18 U.S.C. §§ 1028(a)(7) and (b)(1)(D)**

**(identity theft – 1 count)**

**18 U.S.C. § 2 (aiding and abetting)**

**Notice of forfeiture**

**Notice of additional factors**

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From at least in or around March 2003, through in or around August 2003, at Philadelphia, in the Eastern District of Pennsylvania, and in the District of New Jersey and elsewhere, defendants

**DORIAN BAKER**  
**JAMES HARLEY**  
**and CAPRICE PEAY**

devised and intended to devise a scheme to defraud various individuals and entities, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

It was part of the scheme that:

2. Beginning in or around March 2003, defendants DORIAN BAKER and

JAMES HARLEY agreed to raise money illegally to pay the bail of BAKER'S paramour, an individual known to the grand jury and identified here as "D.L.," who was in custody on murder charges in New Jersey.

3. From in or around March 2003, through in or around June 2003, defendant JAMES HARLEY used his position as a mortgage broker with First Jersey Mortgage Company ("FJM") in Laurel Springs, New Jersey to obtain customers' identification information and engage in fraud.

4. In or around April 2003, defendant JAMES HARLEY, through FJM, applied for a loan of \$259,900 on behalf of K.W. to be secured by property in Burlington, New Jersey. In support of the application for this loan, HARLEY submitted false and fraudulent information and documents relating to K.W.'s employment.

5. In or around April 2003, defendant CAPRICE PEAY agreed to participate with defendants DORIAN BAKER and JAMES HARLEY in their loan fraud scheme by obtaining a loan of as much as \$98,250 on a property in Sharon Hill, Pennsylvania ("the Sharon Hill property") owned jointly by PEAY and two individuals known to the grand jury and identified here as "Ta.P." and "T.P.," without the knowledge or consent of Ta.P. and T.P.

6. Defendants DORIAN BAKER, JAMES HARLEY and CAPRICE PEAY attempted to secure loans on the Sharon Hill property by supplying to potential mortgage companies and financial institutions false and fraudulent information and documents to support the loan applications, including false employment information, false earning information, and false tax returns for PEAY.

7. Based on the false and fraudulent information and documents supplied to one

of the potential mortgage brokerage companies, Nova Star Home Mortgage Inc., defendants DORIAN BAKER, JAMES HARLEY and CAPRICE PEAY caused a loan to be approved for approximately \$54,129.89 on the Sharon Hill property.

8. On or about June 18, 2003, at the closing for the above loan, held at Strong Abstract Inc. in Broomall, Pennsylvania, defendants DORIAN BAKER and JAMES HARLEY posed as Ta.P. and T.P., supplying false photographic identification, and signed loan documents in the names of Ta.P. and T.P. while defendant CAPRICE PEAY signed loan documents in her name.

9. On or about June 23, 2003, defendant DORIAN BAKER, posing as Ta.P., appeared at the offices of Strong Abstract and retrieved a check made payable to Caprice Peay for \$54,129.89, representing the fraudulent loan proceeds on the Sharon Hill property.

10. On or about June 23, 2003, at the direction of defendant DORIAN BAKER, defendant CAPRICE PEAY endorsed the \$54,129.89 check and signed it over to Capital Bonding Corporation, the bail bond company that provided the money to secure the release of D.L. on murder charges

11. In or around June 2003, defendants DORIAN BAKER and JAMES HARLEY attempted to secure a loan of at least \$25,000 from various potential lenders, including Wachovia Bank in Philadelphia, Pennsylvania, by fraudulently using the identification information of an individual known to the grand jury and identified here as "B.S." of West Chester, Pennsylvania.

12. In or around June 2003, defendants DORIAN BAKER and JAMES HARLEY obtained a loan of \$6,620.24 from America General Financial Services in Oaklyn,

New Jersey by fraudulently using the identification information of an individual known to the grand jury and identified here as “J.C.” of Haddonfield, New Jersey.

13. From on or about July 30, 2003 through on or about August 3, 2003, in Oklahoma City, Oklahoma, defendant DORIAN BAKER fraudulently used the identification information of an individual known to the grand jury and identified here as “J.F.” of Scarsdale, NY, to obtain credit for the purchase of the following:

- a. a 2004 Nissan Maxima for approximately \$35,248.58 from Automax Nissan;
- b. assorted jewelry for approximately \$4,331.03 from Zales; and
- c. a television for approximately \$3,706.39 from Sears.

**THE WIRE**

14. On or about June 23, 2003, at Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**DORIAN BAKER  
JAMES HARLEY  
and CAPRICE PEAY,**

for the purpose of executing the scheme described above, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate commerce the following signals and sounds: a wire of \$58,536.64 from the account of Finance America, Inc. at Deutsche Bank and Trust Company in New York, New York, to the account of Strong Abstract, Inc. at Citizen’s Bank in Philadelphia, Pennsylvania (account number 6106718842).

All in violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 2 to 13 of Count One are re-alleged here.
2. At all times material to the charges in this Count, the following were organizations that operated in interstate commerce and whose activities affected interstate commerce:
  - a. Finance America, Inc.;
  - b. Wachovia Bank;
  - c. American General Financial Services, Inc.
  - d. Automax Nissan, through Nissan Motor Acceptance Corp.
  - e. Zales, Inc., through Citibank
  - f. Sears, through Sears National Bank
3. From at least in or around March 2003, through in or around August 2003, in the Eastern District of Pennsylvania, the District of New Jersey, and elsewhere, defendants

**DORIAN BAKER  
JAMES HARLEY  
and CAPRICE PEAY**

knowingly and without lawful authority used a means of identification of other persons with the intent to commit, and to aid and abet, a violation of federal law, that is, wire fraud, in violation of 18 U.S.C. § 1343, by fraudulently obtaining and attempting to obtain loans and by applying for access devices/credit cards, and obtained and attempted to obtain anything of value aggregating \$1,000 or more, that is, approximately \$433,056.24, in a one-year period, and

thereby affected interstate commerce.

In violation of Title 18, United States Code, Sections 1028(a)(7), (b)(1)(D), and (c)(3)(A).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 1343 and 1028, set forth in this indictment, the defendants

**DORIAN BAKER  
JAMES HARLEY  
and CAPRICE PEAY**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this indictment, including, but not limited to, the sum of \$115,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).



**NOTICE OF ADDITIONAL FACTORS**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. In committing the offenses charged in Counts One and Two of this indictment, defendants DORIAN BAKER, JAMES HARLEY and CAPRICE PEAY committed offenses in which the intended loss exceeded \$400,000, as described in U.S.S.G. § 2B1.1(b)(1).

2. In committing the offenses charged in Counts One and Two of this indictment, defendant JAMES HARLEY committed offenses in which he abused a position of private trust, as described in U.S.S.G. § 3B1.3.

**A TRUE BILL:**

**FOREPERSON**

**PATRICK L. MEEHAN**  
**United States Attorney**